

IPW
JUL 6 2007
PATENT & TRADEMARK OFFICE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

4

Application Number	10/705,447
Filing Date	11/10/2003
First Named Inventor	Xiao Xu
Art Unit	1744
Examiner Name	BOWERS, Nathan
Total Number of Pages in This Submission	4
Attorney Docket Number	ACE-00101.P.1.1-US

ENCLOSURES (Check all that apply)

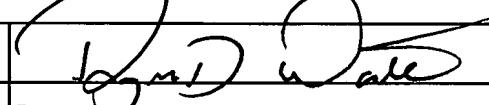
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Form 1449 1 volume of references return postcard
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	David R Preston & Associates		
Signature			
Printed name	David R Preston		
Date	July 5, 2007	Reg. No.	38,710

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Raymond Wagenknecht	Date	7/5/2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

JUL 06 2007

Effective 12/20/2005

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL For FY 2007

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)
180.00

Complete if Known

Application Number	10/705,447
Filing Date	11/10/2003
First Named Inventor	Xiao Xu
Examiner Name	BOWERS, Nathan
Art Unit	1744
Attorney Docket No.	ACE-00101.P.1.1-US

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order None Other (please identify): _____

Deposit Account Deposit Account Number: 501321 Deposit Account Name: David R Preston & Assoc

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below Charge fee(s) indicated below, except for the filing fee
 Charge any additional fee(s) or underpayments of fee(s) Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

<u>Application Type</u>	<u>FILING FEES</u>		<u>SEARCH FEES</u>		<u>EXAMINATION FEES</u>		<u>Fees Paid (\$)</u>
	<u>Fee (\$)</u>	<u>Small Entity</u>	<u>Fee (\$)</u>	<u>Small Entity</u>	<u>Fee (\$)</u>	<u>Small Entity</u>	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description

Each claim over 20 (including Reissues)

Each independent claim over 3 (including Reissues)

Multiple dependent claims

<u>Total Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>	<u>Small Entity</u>
				<u>Fee (\$)</u>
- 20 or HP =	x	=		50 25

HP = highest number of total claims paid for, if greater than 20.

<u>Indep. Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>	<u>Multiple Dependent Claims</u>
				<u>Fee (\$)</u>
- 3 or HP =	x	=		200 100

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each additional 50 or fraction thereof</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
- 100 =	/ 50 =	(round up to a whole number) x		=

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): 37 CFR 1.17(p) Information Disclosure Statement

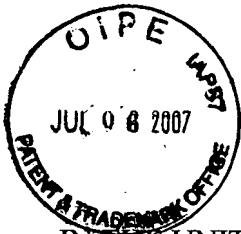
180.00

SUBMITTED BY

Signature		Registration No. (Attorney/Agent) 38,710	Telephone 858-724-0375
Name (Print/Type)	David R Preston	Date 	

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Patent
Docket Number: ACE-00101.P.1.1-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)
Xu et al.) Examiner: Nathan Bowers
Application No.: 10/705,447) Art Unit: 1744
Filed: November 10, 2003)
For: IMPEDANCE BASED DEVICES)
AND METHODS FOR USE IN)
ASSAYS)

Commissioner for Patents
Alexandria, VA 22313

INFORMATION DISCLOSURE STATEMENT

Sir:

This Information Disclosure Statement is being filed after the mailing of a First Office Action on the merits. Applicants include herewith the fee of \$ 180 as indicated under 37 C.F.R. § 1.17(p).

Applicants respectfully submit herewith a listing of references on the attached Form 1449 and one (1) volume of cited references.

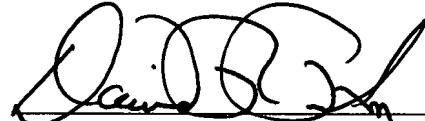
07/03/2007 RFEKADU2 00000005 10705447

01 FC:1606

180.00 OP

**Please apply any charges not covered, or any credits, to Deposit Account number
501321 in the name of David R. Preston & Associates, having Customer Number 24232.**

Respectfully submitted,



David R. Preston
Reg. No. 38,710

Date: July 5, 2007
David R. Preston & Associates, APC
5850 Oberlin Drive
Suite 300
San Diego, CA 92121
phone: 858.724.0375
facsimile: 858.724.0384

**INFORMATION DISCLOSURE
STATEMENT
BY APPLICANT**
 (Use several sheets if necessary)

JUL 06 2007

Docket Number: ACE-00101.P.1.1-US	Application Number: 10/705,447
--------------------------------------	-----------------------------------

Applicant: XU

Filing Date: November 10, 2003	Group Art Unit: 1744
-----------------------------------	-------------------------

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE IF APPROPRIATE
	P1	2003/0166015	9/2003	Zarowitz et al			
	P2	2004/0091397	5/2004	Picard			
	P3	2004/0146849	7/2004	Huang et al			
	P4	3,890,201	6/1975	Cady			
	P5	5,187,096	2/1993	Giaever et al			
	P6	5,514,555	5/1996	Springer et al			
	P7	5,601,997	2/1997	Tchao			
	P8	5,766,934	6/1998	Guiseppi-Elie			
	P9	6,596,499	7/2003	Jalink			
	P10	6,723,523	4/2004	Lynes et al			
	P11	7,192,752	3/2007	Xu et al			
	P12						

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

FOREIGN PATENT DOCUMENTS								
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	Translation	
							YES	NO
	F1	1 138 758 A1	4/2001	EP				
	F2							
	F3							
	F4							
	F5							
	F6							

OTHER DOCUMENTS (Including Author, Date, Pertinent Pages, Etc.)		
EXAMINER INITIALS		CITATION
	D1	PCT International Preliminary Report on Patentability for PCT/US2005/034561, 9/2006
	D2	PCT International Preliminary Report on Patentability for PCT/US2005/027943, 3/2007
	D3	PCT International Search Report and Written Opinion for PCT/US2005/027943, 3/2007
	D4	EP supplementary Search Report for EP 03748948.1 (from PCT/US2003/22557), 3/2007
	D5	Mohr et al., Performance of a thin film microelectrode array for monitoring electrogenic cells in vitro, Sensors and Actuators B34:265-269. 1996
	D6	Cady et al., Electrical Impedance Measurements: Rapid Method for Detecting and Monitoring Microorganisms
	D7	

Examiner Signature		Date Considered	
--------------------	--	-----------------	--